

Chairman Vap called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused at the beginning of the meeting.

#### GENERAL ADMINISTRATION

Notice was duly published March 18, 2005 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 29, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Vap recognized Mark Luttich for his election to co-chair of the Council of State Administrative Agencies (COSAA) for manufactured homes.

Attention was called to the following proceedings:

#### Wednesday, March 30, 2005:

MCC-3152 Video Hearing. Commission Library, Lincoln and Nebraska  
M-14131 State Office Building, 1313 Farnam Street, Room 207, Omaha.  
1:30 In the Matter of Andy Pollock, Director, Motor Transportation Department, vs. Apartment Movers of Omaha. Commissioner Boyle presiding as Hearing Officer.

#### Thursday, March 31, 2005:

B-1660 Video Hearing. Commission Library, Lincoln and Nebraska  
9:30 State Office Building, 1313 Farnam Street, Room 207, Omaha.  
In the Matter of Alford Oil Company, d/b/a Omaha Limousine, Omaha, seeking to acquire, by transfer, the Certificate held by Omaha Limousine Co., L.L.C., d/b/a Omaha limousine, in Certificate Number B-1548. Commissioner Anne Boyle presiding as Hearing Officer.

#### Monday, April 4, 2005:

C-3324 Commission Library, Lincoln. Oral Argument.  
1:00 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2).

COMMUNICATIONS DEPARTMENT

C-3344        In the Matter of the Commission, on its own motion,  
/PI-92        seeking comment on the request by United Way of the  
              Midlands to be assigned the use of "211" in Boone, Nance,  
Platte and Colfax Counties for access to First Call for Help (FCFH), a  
comprehensive information and referral service: Motion made by  
Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to  
enter an order granting the application. Motion passed with  
Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap  
voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3376        In the Matter of Southwestern Bell Communications Services,  
              d/b/a SBC Long Distance, d/b/a SBC Long Distance, Inc.,  
Pleasanton, California, seeking to amend Application C-3301 to reflect  
a corporate reorganization and change its name to SBC Long Distance,  
LLC, d/b/a SBC Long Distance: Motion made by Commissioner Lowell  
Johnson, seconded by Commissioner Frank Landis, to enter an order  
withdrawing the application. Motion passed with Commissioners Lowell  
Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE,  
Commissioner Anne Boyle Excused Not Voting.

C-3352        In the Matter of Qwest Corporation, Denver, Colorado,  
              seeking an amendment to the interconnection agreement for  
Elimination of UNE-P and Implementation of Batch Hot Cut Process and  
Discounts with McLeod USA Telecommunications Services, Inc., Cedar  
Rapids, Iowa, previously granted in Docket C-2023: Motion made by  
Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to  
enter an order granting the application. Motion passed with Commis-  
sioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap  
voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3353        In the Matter of Qwest Corporation, Denver, Colorado,  
              seeking an amendment to the interconnection agreement for  
Elimination of UNE-P and Implementation of Batch Hot Cut Process and  
Discounts with Allo Communications, LLC, previously granted in Docket  
C-2936: Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Frank Landis, to enter an order granting the application.  
Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank  
Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not  
Voting.

C-3354        In the Matter of Qwest Corporation, Denver, Colorado,  
              seeking a Commercial Line Sharing Amendment to the Inter-  
connection Agreement with MCImetro Access Transmission Services, LLC,  
Englewood, Colorado, previously granted in Docket C-2257: Motion made  
by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis,  
to enter an order granting the application. Motion passed with Com-  
missioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap  
voting AYE, Commissioner Anne Boyle Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3355 In the Matter of Qwest Corporation, Denver, Colorado, seeking an interconnection agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Pinpoint Communications, Inc., Cambridge, previously granted in Docket C-2605: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3356 In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to the interconnection agreement with MCImetro Access Transmission Services, LLC, Englewood, Colorado, previously granted in C-2257: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3324 In the Matter of the Petition of N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Fort Morgan, Colorado, for designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2): An oral argument was scheduled for 1:00 p.m. on April 4, 2005, in the Commission Library, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

Gene Hand informed the Commission that a letter from AT&T was received on March 23, 2005, asking the Commission to overturn Neustar's denial of AT&T's request for a thousand block of numbers in the Omaha Rate Center to meet the requirements of one of their customers. The staff has reviewed the specific information AT&T has provided to support the request for a safety valve and upon investigation believes this request meets the criteria provided by the FCC in NRO-III at §64: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve the staff recommendation to send a letter to Ms. Tara Farquhar, Pooling Administrator, authorizing the assignment of requested resources so that AT&T may serve its customers. Chairman Vap will sign the letter: Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

Gene Hand discussed Level 3 Communications' March 21, 2005, letter to the Federal Communications Commission (FCC) withdrawing its petition for forbearance in WC Docket 03-266.

Gene Hand reported that the National Association for State Relay Administrators has established a Video Relay Service (VRS) Task Force to explore VRS issues. Steve Stovall has been selected as one of the four state relay administrators on the twelve-member task force.

COMMUNICATIONS DEPARTMENT (Cont.)

Angela Melton reported on the status of the Nebraska Internet Enhancement Fund Grant Applications.

Gene Hand discussed presentations made by Ray Paddock at the Qwest Regional Oversight Committee (ROC) meeting regarding the 3-phase rollout necessary to provide 911 service to Voice over Internet Protocol customers.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to levy late fees against Bulls Eye Telecom and Netifice Communications, that a complaint be entered against Telstra, Inc. and that a waiver be provided to Time Warner Cable Information. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley informed the Commission that HCP Support Schedules for the 2004-2005 fiscal year and ongoing have been signed by the following hospitals: Dundy County Health Systems, Benkelman; Webster County Community Hospital, Red Cloud; Jennie M. Melham Memorial Medical Center, Broken Bow; Callaway District Hospital, Callaway; Tri-Valley Health System, Cambridge; Cozad Community Hospital, Cozad; Franklin County Memorial Hospital, Franklin; Gothenburg Memorial Hospital, Gothenburg; Chase County Community Hospital, Imperial; Kearney County Health Services, Minden; Avera St. Anthony's Hospital, O'Neill; Brown County Hospital, Ainsworth; Rock County Hospital, Basset; Valley County Hospital, Ord.

Jeff Pursley recognized Camelia Rogers for work that has been achieved in organizing the telehealth network to date.

E911 DEPARTMENT

Kara Thielen reported on the responses received to the notice sent out regarding the hold on Wireless E911 implementation.

NATURAL GAS DEPARTMENT

NG-0027 In the Matter of Kinder Morgan Retail Energy Services Company, Lakewood, Colorado, seeking authority as a competitive natural gas provider in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

## LEGISLATIVE REPORT

Angela Melton reported on, and the Commission discussed, the status of legislation affecting the Commission.

Commissioner Anne Boyle entered the Commission Hearing Room.

## COMMUNICATIONS DEPARTMENT

C-3335        In the Matter of Qwest Communications Corporation (QCC), Denver, Colorado, seeking to remove restrictions of the Commission Order in Docket C-1839/PI-22: Gene Hand and Shana Knutson reported on the status of the application.

## RULES AND REGULATIONS

Rule and     In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#164        Regulations, to add rules for incumbent local exchange carriers with an affiliated competitive local exchange carrier serving in the same territory: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order opening the docket and seeking comment. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Rule and     In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 1, Rules of Commission Procedure, to rewrite a substantial portion of the rules;  
#161        correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety: Mark Breiner reported on the status of the rules and the intention to conduct a workshop as requested by several commenters.

Rule and     In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and  
#153        Regulations, to rewrite the chapter in its entirety and format per Secretary of State requirements: Mark Breiner reported that an important issue has been raised for consideration and that a hearing should be scheduled.

## GRAIN WAREHOUSE DEPARTMENT

GW-181       In the Matter of Lisco Elevator Incorporated, Lisco. Commissioner Vap presiding as Hearing Officer: Motion made by  
GWC-403       Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter a complaint, an order to show cause, and schedule a hearing for May 4, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1640      In the Matter of Western Surety Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 929232905 in the amount of \$39,800.00, issued on behalf of Bentzinger Grain & Equip Co., Martell: The Bond was cancelled effective March 27, 2005.

In the Matter of the Fine Schedule for Grain Warehouses and Grain Dealers: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to approve the schedule. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

GW-2135/      In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht  
GWC-397      updated the Commission on the status of the claims and load-out.

Grain Dealer Division

GD-2156      In the Matter of Norder Agri Supply, Inc., Hebron, seeking a grain dealer license, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2005: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich advised the Commission that Colorado Aspen Homes of Central City, a modular housing unit manufacturer, started production last week. Plans have been reviewed and approved by the Housing and Recreational Vehicle Department and inspectors are at the plant monitoring their quality assurance and production processes. He further advised the Commission that Colorado Aspen Homes' factory is the former Atlantic Homes Division that produced manufactured homes and modular housing units, which ceased production approximately 2 or 3 years ago.

TRANSPORTATION DEPARTMENT

B-1395      In the Matter of Karibu Enterprises, Inc., dba RT Round Trip Transport, Omaha, seeking authority to suspend Certificate B-1395 to be effective September 1, 2005: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order denying the suspension request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1554        In the Matter of DJW, Inc., dba Luxury Limousine Service,  
SUPP. 3        Syracuse, seeking to extend the authority held by DJW,  
              Inc., dba Luxury Limousine Service, in Certificate B-1618:  
Motion made by Commissioner Lowell Johnson, seconded by Commissioner  
Rod Johnson, to enter an order granting the application as amended.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused  
Not Voting.

B-1660        In the Matter of Alford Oil Company, dba Omaha Limousine,  
              Omaha, seeking to acquire, by transfer, the authority held  
by Omaha Limousine Co., LLC, dba Omaha Limousine in Certificate  
B-1548. Commissioner Boyle presiding as Hearing Officer: A video  
hearing was scheduled for March 31, 2005, at 9:30 a.m. in the Commis-  
sion Library, Lincoln, and the Nebraska State Office Building, Room  
207, Second Floor, 1313 Farnam Street, Omaha.

MR-1020/     In the Matter of the Commission, on its own motion, seeking  
PI-94        to investigate whether the Commission has jurisdiction to  
              regulate Portable Storage of Nebraska, LLC, dba PODS,  
Omaha: Commissioner Landis was appointed Hearing Officer for the  
hearing scheduled for April 20, 2005.

MR-930        In the Matter of Movers and Warehouse Division, Nebraska  
              Motor Carriers Association, Lincoln, seeking authority to  
establish a fuel surcharge in Nebraska Official Household Goods Tariff  
7-F. The fuel surcharge was reduced to 44 cents per mile.

GENERAL ADMINISTRATION

              Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Rod Johnson, to recess. Motion passed with Commissioners  
Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE,  
Commissioner Frank Landis Excused Not Voting. The Commission recessed  
at 10:47 a.m. and reconvened at 10:52 a.m.

              Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Rod Johnson, to approve the following Commission  
invoices. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank  
Landis Excused Not Voting.

DAS - Communications	\$	5,071.20
Larry Fauss		800.00
Kelly Services		625.63
Kelly Services		630.00
Thomson West		557.20
Gene Hand		624.71
Rod Johnson		151.07

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Laura Demman to attend the South Dakota Public Service Commission's April Energy Conference to be held in Sioux Falls, South Dakota, from April 18-20, 2005.

Upon agreement of all Commissioners present, authorization was granted for Shana Knutson to attend the 10th Annual Telecommunications Law Conference to be held in Seattle, Washington, from May 18-20, 2005.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting. The Commission went into closed session at 10:55 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting. The Commission went into open session at 11:09 a.m.

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The meeting adjourned at 11:10 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap present, Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on April 5, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 4, 2005.

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Chairman

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Executive Director